

**COMMISSION ON TECHNOLOGY  
e-COURT SUBCOMMITTEE  
APPELLATE COURTS SUBTEAM  
MEETING SUMMARY**

**April 26, 2010**  
3:00 p.m. – 4:30 p.m.

**State Courts Building Room 415**

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**SUPREME COURT MEMBERS  
PRESENT**

Justice Andrew Hurwitz  
Clerk Rachelle Resnick  
Staff Attorney Ellen Crowley

**APPEALS DIVISION ONE  
MEMBERS PRESENT**

Chief Judge Ann Timmer  
Clerk Phil Urry

**APPEALS DIVISION TWO MEMBERS  
PRESENT**

Chief Judge Joe Howard\*  
Clerk Jeff Handler\*

**AOC STAFF PRESENT**

Stewart Bruner, *ITD*  
Karl Heckart, *ITD*

\* indicates appeared via telephone

**WELCOME AND MEETING PURPOSE**

Justice Hurwitz welcomed all, including Division Two's representatives, Chief Judge Joe Howard and Clerk Jeff Handler, to the meeting.

**TURBOCOURT e-FILING PROGRESS**

Karl Heckart updated members on progress with and timelines for civil subsequent filings in Maricopa County and initial civil filings in Pima County. Members were interested in the estimated go-live dates for each implementation. Consensus was to have the date for appellate mandatory filing match civil mandatory filing in these two counties to reduce confusion among attorneys. Karl has been discussing training of attorneys with the State Bar as part of their CLE program. Rachelle Resnick stated that the testing schedule is quite abbreviated and resource issues would likely cause slips in the implementation of Appellate TurboCourt. Justice Hurwitz reiterated that the project has the highest priority, and that the Clerk's Office should consider letting summary agendas slip if necessary to meet the project dates. He asked for a follow-up meeting in no longer than four weeks to keep a close watch on progress.

**DIRECT FILING OF PETITIONS FOR REVIEW**

Members agreed with Rachelle's recommendation that petitions for review be filed directly with and all fees paid to the Supreme Court. Ellen Crowley will research legal issues. Chief Judge Timmer stated a concern that the Court of Appeals must be notified when a petition is received in order to know whether the mandate can be issued. Motions for extensions of time would also be filed in the Supreme Court. Consensus was that a formal rule change is more appropriate than a suspension in this case. Ellen will work to

get something on the August rules agenda with a goal of having the rule change in place prior to the start of appellate e-filing. Justice Hurwitz will check that plan with the Chief.

Karl questioned the required content of an electronic notice of subsequent service. Is the entire document required to be attached or is a link to the location of the entire document sufficient? Justice Hurwitz could think of no mandate for a complete document to be included with a notice, but asked Ellen to check statute and rule involving notifications. That spawned a larger discussion about notifications handled by TurboCourt, which are party based, versus notifications handled today by appellate case management systems, which include interested people beyond the parties. Division One and Supreme Court will take a closer look at Appellamtion's distribution function. Courts also need to consider what is distributed as a courtesy and what results from a rule. Redundant notices could potentially confuse recipients but are not a "show stopper."

Justice Hurwitz also felt strongly that the one-day notice of the issuance of opinions be preserved, regardless of how the formal distribution of the opinion is accomplished. The decision about whether orders may be issued directly by chambers or need to all route through the clerk's office was left to the chiefs and clerks to decide, but Justice Hurwitz reiterated that courts can no longer afford to distribute paper opinions that are posted in electronic form.

### **PUBLICIZING APPELLATE TURBOCOURT AT THE STATE BAR CONVENTION**

Justice Hurwitz shared what he knows about the State Bar Convention publicity effort. His short address will communicate the certainty and imminence of mandated electronic filing in Maricopa and Pima counties. Attorneys may or may not be able to register at the AZTurboCourt booth, depending on the internal hierarchy for law firms being established on the administrative side of the program. A question was raised regarding TurboCourt's ability to handle multiple addresses for each registrant, like Appellamtion does.

### **ELECTRONIC TRANSCRIPTS**

Rachelle Resnick shared the progress made at the Supreme Court with accepting electronic transcripts from court reporters through ACE. Some mention may need to be made in the e-filing AO this summer. Discussion focused on whether court reporters should be changed the \$6 filing fee in TurboCourt when electronic transcripts benefit the court and they act as a type of government filer. Karl pointed out that TurboCourt remembers the role or a registrant and assigns charges or exemptions to all cases based on that role. He felt the filing type was the more appropriate key for generating an exemption than the filer's role.

### **EXPANSION OF RECORD ON APPEAL TRANSFER**

Karl confirmed that the flow of records from Maricopa Superior is stuck at the current 15 percent of potential volume awaiting modification of C2C to function on a server rather than on individual workstations. Judge Timmer stated that even though Maricopa represents the greatest potential case volume, Division One prefers to receive electronic transfers of the record from rural counties at this point. Members discussed the reasoning behind the transfer of the entire record from the lower court and In a paper world, the records must be transferred, but in an electronic world, only the index needs to be transferred as long as reliable access is available to the documents on the index. For rural

counties, the central document repository will provide that reliable access in the not-too-distant future, although some evidence may still need to be transmitted. We will address this issue at our next meeting and may form a task force to consider it.

### **DISCIPLINARY RECORDS TRANSFER**

Members felt strongly that the new disciplinary system being constructed facilitate the easy filing and transfer of electronic records from Day One. Ellen will share that recommendation with Dave Byers, since AOC controls the process and the automation. Similar requirements should be given to Commission on Judicial Conduct.

A 30-day follow-up meeting will be called to track progress of all projects mentioned.

Meeting adjourned at 4:35 p.m.